

CUSTOMER NO.: 24498**Serial No. 09/640,104**

Reply to Office Action dated: 6/12/07

Response dated: 7/30/07

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PD990048**REMARKS**

In the Office Action, the Examiner noted that claims 1-14 are pending in the application and that claims 1-6 and 8-13 stand rejected and that claims 7 and 14 are objected to. No claims are amended by this response.

In view of the following discussion, the Applicant respectfully submits that none of these claims now pending in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Thus the Applicant believes that all of these claims are now in allowable form.

Rejections**A. 35 U.S.C. § 103**

The Examiner rejected claims 1-2, 4-6, 9 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over Teunissen (U.S. Patent No. 6,512,882). The rejection is respectfully traversed.

The Applicant respectfully submits that "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art" (MPEP §2143.03, citing *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974)). Moreover, "[i]f an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious" (MPEP §2143.03, citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)).

The Applicant respectfully submits that with regard to at least the Applicant's claim 1, Teunissen absolutely fails to make obvious, teach or suggest all of the claim limitations of at least the Applicant's invention and specifically claim 1. More specifically, the Applicant submits that Teunissen absolutely fails to teach, suggest or make obvious at least "creating a group of picture structure history having more than one group of pictures" as taught in the Applicant's Specification and claimed by at least the Applicant's claim 1. In contrast to the invention of the Applicant, Teunissen discloses a method for reproducing a digital data stream containing program information for trick mode display, including decoding the incoming digital data stream for storage on an optical recording medium, creating an entry point history for more than one group of pictures during the decoding step, storing the history on the optical recording medium, editing for playback and trick

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mode the digital data stream stored on the optical storage medium using the stored history, and decoding the digital data stream edited for trick mode display.

The Applicant submits that an entry point history as taught in Teunissen does not make obvious a GOP history as taught and claimed by the Applicant in at least the Applicant's claim 1. In Teunissen in column 2, lines 39 to 43, it is clearly taught that the entry points may be TS packets with the start of an I-picture, TS packets with the start of a GOP, and TS packets with the start of a sequence header. In contrast to Teunissen, in the invention of the Applicant the GOP history contains information about the history of the sequence of the played back picture types, for example, P-pictures and B-pictures in addition to the I-pictures. This is not the case for the entry point history described by Teunissen, which does not indicate any picture type sequence.

The Applicant submits that even if the entry point history was considered to teach a GOP history (which the Applicant continues to submit they are not the same), as conceded upon by the Examiner, Teunissen fails to disclose decoding in normal play mode and creating the GOP history during a normal play mode of operation. In the Office Action, the Examiner alleges that it would have been obvious to one skilled in the art at the time of the invention to create the GOP history during a normal play mode of operation by providing the playback MPEG encoded video from a medium, such as a disk, to the entry point of the decoding and processing system described by Teunissen. The Applicant respectfully disagrees with the Examiner's allegation.

More specifically, Teunissen teaches and discloses a method that prepares an incoming primary Transport Stream for storage on an optical storage medium. During the process, a number of rather complex operations are performed, as described in col. 3, lines 42 to 64. One aim of these operations is to ensure that trick play operation during playback of the prepared data stream from the optical storage medium is facilitated. In view of the complex operations a rather costly pre-analysis hardware is required. A person skilled in the art would not consider including such hardware in a playback device due to cost reasons. This is even more the case as Teunissen teaches a solution that has exactly the purpose of

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avoiding any such hardware in a playback device, as the necessary information is already stored on the optical storage medium.

In addition, even if a person skilled in the art would modify the solution described by Teunissen as proposed by the Examiner, the skilled artisan would arrive at a playback device that upon playback generates a history of entry points, not a GOP history as taught and claimed by the Applicant. In Teunissen, in col. 3, lines 13 to 33, it is clear that the entry point history is only useful for replay or fast forward/backward trick play operations, where jumps to the next/previous I-picture are performed. The solution according to the present inventions also enables stepwise backward or fast forward/backward trick play operations with jumps to intermediate P-pictures.

As such, the Applicant submits that for at least the reasons recited above, the Applicant's claim 1 is not rendered obvious by Teunissen in view of Official Notice and as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Likewise, the Applicant's independent claim 8 recites similar relevant features as recited in the Applicant's independent claim 1. Therefore and for at least the reasons recited above, the Applicant submits that claim 8 is also not rendered obvious by Teunissen in view of Official Notice and as it now stands, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

Furthermore, dependent claims 2, 4-6 and 9, 11-13 depend either directly or indirectly from independent claims 1 and 8, respectively, and recite additional features therefor. As such and for at least the reasons set forth herein, the Applicant submits that dependent claims 2, 4-6 and 9, 11-13 are also not rendered obvious by the teachings of Teunissen in view of Official Notice. Therefore the Applicant submits that dependent claims 2, 4-6 and 9, 11-13 also fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

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PD990048****B. 35 U.S.C. § 103**

The Examiner rejected the Applicant's claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Teunissen as applied above to claims 1 and 8 and further in view of Duruoze et al. (U.S. Patent No. 6,654,539, hereinafter "Duruoze"). The rejection is respectfully traversed.

Claims 3 and 10 depend directly from the Applicant's independent claims 1 and 8, respectively, and thus, include all the elements of claims 1 and 8. With respect to claims 3 and 10, the Examiner applied the teachings of Teunissen as applied above for the rejection of the Applicant's claims 1 and 8. However, as described above, the Applicant respectfully submits that Teunissen absolutely fails to teach, suggest or make obvious the Applicant's claims 1 and 8 for at least the reasons described above. As such, the Applicant further submits that at least because Teunissen fails to teach, suggest or make obvious the Applicant's claims 1 and 8, the teachings of Teunissen also fail to teach, suggest or make obvious the Applicant's claims 3 and 10 which depend indirectly from the Applicant's claims 1 and 8, respectively.

Even further, the Applicant submits that the teachings of Duruoze fail to bridge the substantial gap between the Applicant's invention and the teachings of Teunissen. More specifically, the Applicant submits that Duruoze fails to teach, suggest or make obvious at least "creating a group of picture structure history having more than one group of pictures", decoding in normal play mode and creating the GOP history during a normal play mode of operation as taught in the Applicant's Specification and claimed by at least the Applicant's claims 1 and 8.

More specifically, Duruoze teaches trick playback of digital video data including a single-chip application specific integrated circuit which provides autonomous management of playback of digital video and audio. The chip includes a digital video decoder and output system, and a central processing unit controlling said digital video decoder and output system. In Duruoze, the central processing unit receives commands to establish a current playback state for management of playback of digital video and audio by said digital video decoder and output system, and responds to a video field synchronization signal and a current playback state, without external instruction, to determine whether to display

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digital video, whether to decode digital video for display, whether to repeat display of previously decoded digital video, and whether to skip over digital video prior to decoding digital video for output. By delivering commands to the central processing unit, the application specific integrated circuit can be caused to transition between playback states to provide desired playback of the digital video and audio (See Duruo, Abstract). The Applicant submits, however, the Duruo absolutely fails to teach, suggest or make obvious "creating a group of picture structure history having more than one group of pictures", decoding in normal play mode and creating the GOP history during a normal play mode of operation as taught in the Applicant's Specification and claimed by at least the Applicant's claims 1 and 8.

In fact, in the Office Action the Examiner merely cites Duruo for teaching using at least two frame buffers and that during fast reverse utilizing the frame buffers in order to increase the likelihood that the most potential useful data in a free buffer will be overwritten after less potentially useful data in a free buffer is overwritten. As such and for at least the reasons recited above and specifically that the combination of Teunissen and Duroz fail to teach, suggest or make obvious at least "creating a group of picture structure history having more than one group of pictures", decoding in normal play mode and creating the GOP history during a normal play mode of operation as taught in the Applicant's Specification and claimed by at least the Applicant's claims 1 and 8, the Applicant submits that the teachings of Teunissen and Duruo, alone or in any allowable combination, absolutely fail to teach, suggest or make obvious the Applicant's claims 1 and 8. Therefore and at least because the teachings of Teunissen and Duruo, alone or in any allowable combination, absolutely fail to teach, suggest or make obvious the Applicant's claims 1 and 8, the Applicant further submits that the teachings of Teunissen and Duruo, alone or in any allowable combination, also absolutely fail to teach, suggest or make obvious the Applicant's claims 3 and 10, which depend indirectly from the Applicant's claims 1 and 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 3 and 10 are not rendered obvious by the teachings of

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Teunissen and Duruoiz, alone or in any allowable combination, and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

Conclusion

Thus, the Applicant submits that none of the claims, presently in the application, are rendered obvious under the provisions of 35 U.S.C. § 103. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

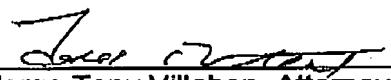
If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

If any fee is due and not paid for, the Commissioner is authorized to please charge the additional fee to Deposit Account No. 07-0832.

Respectfully submitted,

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July 30, 2007